

AN ACT

relating to creation of the Early Childhood Health and Nutrition Interagency Council.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 115 to read as follows:

CHAPTER 115. EARLY CHILDHOOD HEALTH AND NUTRITION INTERAGENCY COUNCIL

Sec. 115.001. DEFINITION. In this chapter, "council" means the Early Childhood Health and Nutrition Interagency Council.

Sec. 115.002. APPLICATION OF SUNSET ACT. The Early Childhood Health and Nutrition Interagency Council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished and this chapter expires September 1, 2019.

Sec. 115.003. COMPOSITION OF COUNCIL; PRESIDING OFFICER.

(a) The Department of Agriculture shall establish the Early Childhood Health and Nutrition Interagency Council. The council is composed of eight members as follows:

(1) a representative of the Health and Human Services Commission who is involved in the coordination of children's programs, appointed by the executive commissioner of the Health and Human Services Commission;

(2) a representative of the Department of State Health

1 Services' health promotion and chronic disease prevention  
2 programs, appointed by the commissioner of state health services;

3 (3) a representative of the Department of State Health  
4 Services' Special Supplemental Nutrition Program for Women,  
5 Infants and Children, appointed by the commissioner of state health  
6 services;

7 (4) a representative of the Texas Workforce  
8 Commission, appointed by the executive director of the Texas  
9 Workforce Commission;

10 (5) a representative of the Department of Agriculture,  
11 appointed by the commissioner of agriculture;

12 (6) a representative of the Texas Education Agency's  
13 school health programs, appointed by the commissioner of education;

14 (7) a representative of the Department of Family and  
15 Protective Services' Child Care Licensing Division, appointed by  
16 the commissioner of the Department of Family and Protective  
17 Services; and

18 (8) a representative of the Texas AgriLife Extension  
19 Service, appointed by the director of the Texas AgriLife Extension  
20 Service.

21 (b) The representative appointed under Subsection (a)(5)  
22 shall serve as the presiding officer of the council.

23 Sec. 115.004. DEPARTMENT DUTIES. The Department of  
24 Agriculture shall provide staff and resources as necessary for the  
25 operation of the council.

26 Sec. 115.005. TERMS; VACANCY. (a) Members of the council  
27 serve two-year terms, with the terms expiring February 1 of each

1 odd-numbered year.

2 (b) A member may be reappointed.

3 (c) A vacancy on the council shall be filled for the  
4 remainder of the unexpired term in the same manner as provided by  
5 Section 115.003(a).

6 Sec. 115.006. MEETINGS. (a) The council shall meet in  
7 person three times each year and may hold meetings by conference  
8 call as necessary. The council shall invite stakeholders to  
9 participate in at least two council meetings each year and provide  
10 an opportunity for submission of oral or written testimony. The  
11 council at a minimum shall invite:

12 (1) one individual with expertise in early childhood  
13 nutrition and physical activity, such as a registered dietician,  
14 physical therapist, or physical education specialist;

15 (2) one staff member or manager of a child-care  
16 facility;

17 (3) one staff member or manager of a child-care  
18 facility operated in a private residence;

19 (4) two individuals with medical experience in early  
20 childhood health, such as a family practice physician, registered  
21 nurse, nurse practitioner, pediatrician, or child health  
22 consultant;

23 (5) one representative from a nonprofit organization  
24 that provides family or wellness services; and

25 (6) one representative from an agency or organization  
26 with expertise in community health education and outreach, such as  
27 a local health department, public relations or marketing firm, or

1 university.

2 (b) Section 551.125, Government Code, applies to a meeting  
3 held by conference call under this section, except that Section  
4 551.125(b), Government Code, does not apply.

5 (c) Not later than August 1, 2010, the council shall provide  
6 three or more opportunities for public input, including two or more  
7 public hearings, to receive stakeholder input. This subsection  
8 expires September 1, 2010.

9 Sec. 115.007. COUNCIL POWERS AND DUTIES. (a) The council  
10 shall review current research to assess:

11 (1) the health of children under the age of six in this  
12 state compared to the health of similar children in other states;

13 (2) the significance of nutrition and physical  
14 activity in the development of children under the age of six; and

15 (3) the existence of nutrition and physical activity  
16 requirements and practices in early childhood care settings.

17 (b) The council shall review the status of the programs  
18 administered by each agency represented on the council that promote  
19 healthy nutrition and physical activity in early childhood care  
20 settings.

21 (c) The council shall identify existing state and federal  
22 funding sources available for the promotion of health and nutrition  
23 in early childhood care settings.

24 (d) The council shall consult with key stakeholders to  
25 identify:

26 (1) barriers to improving nutrition and physical  
27 activity standards in early childhood care settings; and

1           (2) evidence-based best practices for improving early  
2 childhood health through nutrition and physical activity.

3           (e) The Department of Agriculture for the council may  
4 contract with a university to study and report on best practices and  
5 obstacles for addressing early childhood health through nutrition  
6 and physical activity.

7           Sec. 115.008. COMPENSATION; REIMBURSEMENT. (a) A member  
8 of the council may not receive compensation for service on the  
9 council.

10          (b) A member may be reimbursed for the member's actual and  
11 necessary expenses for meals, lodging, transportation, and  
12 incidental expenses incurred while performing council business,  
13 subject to any applicable limitation on reimbursement prescribed by  
14 the General Appropriations Act.

15          Sec. 115.009. EARLY CHILDHOOD NUTRITION AND PHYSICAL  
16 ACTIVITY PLAN. (a) The council shall develop an early childhood  
17 nutrition and physical activity plan with a recommended timeline  
18 for implementation over a six-year period.

19          (b) The six-year plan must account for stakeholder  
20 recommendations, address the financing, staffing, and training  
21 required to implement the plan, and include methods to:

22               (1) increase fruit and vegetable consumption among  
23 children under the age of six;

24               (2) increase daily structured and unstructured  
25 physical activity in early childhood care settings;

26               (3) increase awareness among parents of the benefits  
27 of breast-feeding, healthy eating, and appropriate activity in

1 children under the age of six;

2 (4) facilitate the consumption of breast milk in early  
3 childhood care settings;

4 (5) decrease malnutrition and undernourishment among  
5 children under the age of six; and

6 (6) engage existing community and state resources and  
7 service providers to educate and increase the awareness of parents  
8 and caretakers regarding the need for proper nutrition.

9 (c) The council, not later than November 1, 2010, shall  
10 submit a written early childhood nutrition and physical activity  
11 plan to the legislature and the governor. This subsection expires  
12 December 1, 2010.

13 Sec. 115.010. GIFTS, GRANTS, AND DONATIONS. The Department  
14 of Agriculture for the council may accept a gift, grant, or donation  
15 from any source to carry out the purposes of this chapter.

16 Sec. 115.011. REPORT. The council shall submit to both  
17 houses of the legislature and the governor on or before November 1  
18 of each even-numbered year a written report on:

19 (1) the actions taken in furtherance of the six-year  
20 plan;

21 (2) the areas that need improvement in implementing  
22 the six-year plan;

23 (3) any change to the six-year plan; and

24 (4) the programs and practices that address nutrition  
25 and physical activity in early childhood settings in this state.

26 Sec. 115.012. RULES. The commissioner of agriculture may  
27 adopt rules necessary to implement this chapter.

1           SECTION 2. (a) The Early Childhood Health and Nutrition  
2 Interagency Council shall submit an initial report required under  
3 Section 115.011, Health and Safety Code, as added by this Act, not  
4 later than November 1, 2012.

5           (b) As soon as practicable after the effective date of this  
6 Act, the designated appointing officials shall appoint the members  
7 to the Early Childhood Health and Nutrition Interagency Council  
8 established under Chapter 115, Health and Safety Code, as added by  
9 this Act.

10          SECTION 3. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2009.

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President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 395 passed the Senate on March 19, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 28, 2009, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 395 passed the House, with amendment, on May 19, 2009, by the following vote: Yeas 81, Nays 61, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor